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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,503	09/28/2001	Itaru Fukushima	K-2009	2559

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KANESAKA AND TAKEUCHI
1423 Powhatan Street
Alexandria, VA 22314

EXAMINER

KIM, PETER B

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,503

Applicant(s)

FUKUSHIMA ET AL.

Examiner

Peter B. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's arguments filed on Dec. 12, 2003 have been fully considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, the written description discloses the developing roller with feeding speed different from the first feeding means; however, the developing roller does not teach feeding the recording medium to the post-processing means. Thus, it is not clear which structures correspond to the first feeding means and the second feeding means.

Regarding Claim 12, "overlapping" of "another feed path" and "switch back section" is not clear.

The remaining claims, not specifically mentioned, are rejected for incorporating the defects from the base claim by dependency.

The following art rejection is based on the examiner's best understanding of the indefinite claims under 112, second paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eto et al. (Eto) (5,316,883).

Eto discloses a printer (Fig. 4) comprising preprocessing means (P1) for preprocessing a surface of a recording media (2) or exposing the recording media to form an image on the surface of the recording media; post-processing means (P2) for post-processing the surface or developing by applying pressure, a recording media feed path (A, B in Fig. 4), first feed means upstream of the recording media feed path (although not indicated inherent in Eto's invention to feed the media to preprocessing means, second feed means (3) arranged on a down stream side of the feed path wherein the first and second feed means are independently controlled (col. 3, lines 61-65). Eto also discloses the feed speed of the media that is slower at the pressure roller than at the first and second feed means (col. 3, line 61 – col. 5, line 23). Eto discloses the switchback path (A, B) extending from the main section for extending a length of the main section. Office Notice is taken that it is well known in the art of a printer a recording medium in a form of a separated sheet is used in a printer as well as a medium in a roll form. Although Eto does not disclose medium in a form of a separated sheet, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the recording medium in a sheet form since the medium in a sheet form does not require cutting device or a take up roller which simplifies the structure

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eto et al. (Eto) (5,316,883) in view of Kamanuma et al. (Kamanuma) (6,256,473).

Eto discloses the claimed invention as discussed above; however, Eto does not disclose running the second feed means while the first feed means is stopped, having a switchback section installed vertically, switching gate and the second feed means, which is reversible. Kamanuma discloses a printer with a preprocessing and a post-processing, a first feed means (177), a reversible second feed means (192) in the vertical switchback section and switching gate (181). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the features of Kamanuma to the invention of Eto because the switchback portion of Kamanuma would be an effective buffer region for the invention of Eto before the media is transferred to the development section after being exposed.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eto et al. (Eto) in view of Kamanuma et al. (Kamanuma) as applied to claim 8 above, and further in view of Tsuzawa (6,243,157).

The further difference between the claimed invention and the modified Eto is the cutting section and the third feed path. Tsuzawa discloses the cutting means (88) and the third feeding means (not indicated by reference in Tsuzawa but shown in section (80)). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the features of Tsuzawa to the invention of Eto in order to improve processing without wasting the recording media and processing time as taught by Tsuzawa in col. 1, lines 43-59.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eto et al. (Eto) as applied to claim 1 above, and further in view of Ota et al. (Ota) (6,539,196).

The further difference between the claimed invention and the modified Eto is the cleaning roller. Ota discloses the cleaning roller (54) in a printer. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of invention to provide the cleaning roller of Ota to the invention of Eto in order to clean the deposits on the surface as taught in col. 6, lines 15-20 of Eto.

Remarks

Applicant argues that Eto does not disclose the switchback portion; however, Eto does disclose the switchback portion (A, B) in Fig. 4. Applicant also argues that Eto does not teach feeding means feeding at different speeds; however, the claimed invention also seems to lack such feeding means.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (571) 272-2120. The

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examiner can normally be reached on Monday-Thursday from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 571-272-2851. The fax phone numbers for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 -272-2800.

A handwritten signature in black ink, appearing to read 'Peter B. Kim', with a stylized flourish at the end.

Peter B. Kim
Patent Examiner
February 3, 2004